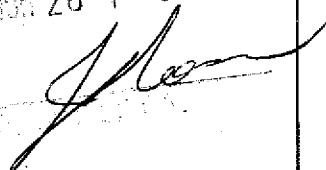


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DISTRICT COURT
2007 JUN 26 P 3:08


JOSHUA FLUELLEN,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO.: CV207-044

ORDER

Plaintiff filed a Complaint in which he alleges Defendant negligently failed to provide him with "proper and necessary" post-operative medical treatment and care. (Compl., p. 3.) Plaintiff seeks injunctive relief, asking the Court to order Defendant to secure immediately for Plaintiff all necessary medical treatment from a neurology specialist.

To be entitled to an injunction, the movant must show: (1) a substantial likelihood of ultimate success on the merits; (2) an injunction or protective order is necessary to prevent irreparable injury; (3) the threatened injury outweighs the harm the injunction or protective order would inflict on the non-movant; and (4) the injunction or protective order would not be adverse to the public interest. Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1225-26 (11th Cir. 2005). In this Circuit, an "injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly

established the 'burden of persuasion' as to the four requisites." Horton v. City of Augustine, Fla., 272 F.3d 1318, 1326 (11th Cir. 2001).

Plaintiff has failed to show that there is a substantial likelihood that he could prevail on the merits of his Complaint. Furthermore, Plaintiff failed to provide evidence that the issuance of an injunction is necessary to prevent irreparable injury. In sum, Plaintiff did not meet his burden of persuasion to obtain injunctive relief. Plaintiff's request for injunctive relief is hereby **DENIED**.

SO ORDERED, this 26 day of June, 2007.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA